

Schedule 72-1

DEPARTMENT OF BANKING AND FINANCE SECURITIES BUREAU

Nebraska Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508
(402) 471-2559

**REQUEST FOR APPROVAL OF RECORDS RETENTION
AND DISPOSITION SCHEDULE**

SCHEDULE NUMBER

72-1

AGENCY, BOARD OR COMMISSION

BANKING AND FINANCE

DIVISION, BUREAU OR OTHER UNIT

SECURITIES BUREAU

Supersedes Schedule 72-IV,
Edition of October 17, 1979

**TO: STATE RECORDS ADMINISTRATOR
STATE OF NEBRASKA**

PART I - AGENCY STATEMENT

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE

*

Ann Thies-Milligan

TITLE

Director

DATE

8/14/90

PART II - ARCHIVAL APPROVAL

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE

*

Andrea I. Paul

STATE ARCHIVIST

DATE

8/20/90

PART III - APPROVAL BY STATE RECORDS ADMINISTRATOR

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE

*

Allen J. Beermann

ADMINISTRATOR

DATE

August 24, 1990

INSTRUCTIONS FOR USING THIS SCHEDULE

Records retention and disposition schedules are designed to serve as your records management guidelines for storing and disposing of agency records, regardless of the media on which they reside. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. These retention schedules, which are approved by the State Records Administrator, provide your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

DISPOSING OF RECORDS

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

Please remember to retain the blank form for future use.

NON-SCHEDULED RECORDS

Contact a Records Management Consultant in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

SCHEDULE UPDATE

It is the responsibility of each agency to periodically update their schedule. A Records Management Consultant in Records Management can assist you with the schedule update, which involves adding new records and making revisions to existing items. Keeping your schedule current will ensure that you have the ongoing authority to discard records when their useful life has ended.

QUESTIONS

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Consultant in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center or State Archives, microfilming records, scanning records, etc.

**Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508-2294
402-471-2559**

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SCHEDULE 72-1 - DEPARTMENT OF BANKING AND FINANCE - SECURITIES BUREAU

72-1-1 AGENTS

Agents who sell securities for a broker-dealer or issuer-dealer must be registered. Since 1981, most broker-dealer agents are registered through the CRD (Central Registration Depository) computer system of the NASD (National Association of Securities Dealers).

72-1-1-1 AGENT FILES

File may contain application, references, exam scores, registration order, termination notice, disciplinary documents, cancellation order and correspondence. Pertains to non-NASD agents only.

File with corresponding BROKER-DEALER FILE or ISSUER-DEALER FILE.

72-1-1-2 AGENT REGISTRATIONS

Registers contain orders granting agent registration which list name of agent, registration order number, name and address of company, amount of filing fee and effective date.

NOTE: Specify whether Broker-Dealer or Issuer-Dealer agent on State Records Center transfer form.

Transfer to the State Records Center as necessary. Transfer to the State Archives 10 years after last order date. Retain permanently.

72-1-1-3 NASD BROKER-DEALER AGENT REPORTS

NASD submits CRD agent reports weekly which list new agents and include check stubs and receipts for fees.

Dispose of 2 years after date of report, provided audit has been completed.¹

72-1-1-4 NASD BROKER-DEALER AGENT LISTINGS

ANNUAL PAPER LISTING (January): Dispose of when superseded by new agent listing.

QUARTERLY NASD MICROFILM LISTING: Dispose of after 10 years.

72-1-2 BROKER-DEALERS

Brokers are licensed to sell securities for issuers. Since 1981, most broker-dealers are NASD members and registered through the CRD computer system.

72-1-2-1 BROKER-DEALER FILES

Files may contain new and renewal applications, references, exam scores, Form BD's, financials, registration orders, name-change orders, Articles of Incorporation, Bylaws, Form BDW's, cancellation orders, correspondence and agent files.

Purge files as information is superseded. Transfer inactive files to the State Records Center annually; dispose of 6 years after inactive date, provided audit has been completed.¹

72-1-2-2 BROKER-DEALER REGISTRATIONS

Registers contain orders granting broker-dealer registrations which list name and address of broker-dealer, registration order number, amount of filing fee, effective date, receipt number and date of receipt.

Transfer to the State Records Center as necessary. Transfer to the State Archives 10 years after last order date. Retain permanently.

72-1-2-3 BROKER-DEALER INDEX CARDS

Index cards filed in two categories - active and inactive/old name. They contain broker-dealer's name and address, whether SEC or NASD, NASD #, effective date and cancellation date.

Dispose of when updated or computerized.

72-1-3 BUSINESS OPPORTUNITIES

The Seller-Assisted Marketing Plan Act requires disclosure, but no licensing.

72-1-3-1 BUSINESS OPPORTUNITY FILES

File may contain correspondence, FTC disclosure document, Nebraska disclosure document and copy of newspaper ad.

Purge files as information is superseded. Transfer to the State Records Center annually; dispose of 6 years after date of file.

72-1-3-2 BUSINESS OPPORTUNITY NEWSPAPER ADVERTISEMENTS REGISTER

Register contains advertisements from Nebraska newspapers.

Dispose of 3 years after date of last ad.

72-1-4 INVESTIGATIONS

Investigations are conducted on:

- agents/broker-dealers/investment advisers (also called "A" files or complaint files) (Securities Act)
- business opportunities ("B" files) (Seller-Assisted Marketing Plan Act)
- commodities ("D" files) (Commodity Code)
- issuers (Securities Act) (largest category)
- loan brokers ("C" files) (Nebraska Loan Broker Act)
- tender offers (Corporate Take-Over Statute) (OBSOLETE)

72-1-4-1 INVESTIGATION FILES

Investigation files contain orders, statements of fact and law, complaints, correspondence, investor files, and any other documents pertaining to the investigation.

NOTE: Specify one of the subcategories listed in 72-1-4 above on State Records Center transfer form.

Transfer to the State Records Center 3 years after date of file; dispose of 20 years after date of file.

72-1-4-2 INVESTIGATION INDEX CARDS

Several card files kept on different types of investigations/complaints listed in 72-1-4 above. Information on cards may include type of action (cease & desist order, rescission, subpoena, etc.), date of order, investigation file number, contact person, and cross references.

Computerize and dispose of originals.

72-1-4-3 ORDERS FILES

Files contain original non-registration orders such as cease and desist orders, cancellations, name changes, and issuer application withdrawals.

Transfer to the State Records Center 3 years after date of order. Transfer to the State Archives 10 years after date of order. Retain permanently.

72-1-5 INVESTMENT ADVISERS

Companies that give investment advice for compensation must register.

72-1-5-1 INVESTMENT ADVISER FILES

Files may contain new and renewal applications, references, exam scores, Form ADV's, Articles of Incorporation, Corporate Resolution, financials, registration orders, and correspondence.

Purge files as information is superseded. Transfer inactive files to the State Records Center annually; dispose of 6 years after inactive date, provided audit has been completed.¹

72-1-5-2 INVESTMENT ADVISER REGISTRATIONS

Registers contain orders granting investment adviser registrations which list name and address of investment adviser, registration order number, amount of filing fee, effective date, receipt number and date of receipt.

Transfer to the State Records Center as necessary. Transfer to the State Archives 10 years after last order date. Retain permanently.

72-1-6 ISSUERS

Companies or individuals that issue securities for sale in Nebraska must be registered unless exempted.

72-1-6-1 ISSUER FILES

File may contain annual report, registration order, application (U-1), corporate resolutions, correspondence, prospectus, stock certificates, exhibits, and agreements. Files are active for one year.

Purge files as information is superseded.

COORDINATION and NOTIFICATION: Transfer to the State Records Center 3 months after effective date; dispose of 6 years after effective date.

QUALIFICATION: Transfer to the State Records Center 1 year after effective date; dispose of 6 years after effective date, provided audit has been completed.¹

72-1-6-2 WITHDRAWN ISSUER FILES

Consists of 3 registers: (1) U-1's, receipts, possible examiner comments and letter requesting withdrawal; (2) orders withdrawing issuers' applications; and (3) refund orders.

Transfer to the State Records Center 9 months after date of withdrawal. Transfer to the State Archives 10 years after date of withdrawal. Retain permanently.

72-1-6-3 EXEMPTION FILES

File may contain correspondence, notice for exemption, Form D, and private placement memorandum.

Purge files as information is superseded. Transfer to the State Records Center semi-annually; dispose of 6 years after date of file.

72-1-6-4 DENIED ISSUER FILES

Contents same as issuer file, except does not have registration order. Includes examiner's comment letter and letter requesting withdrawal.

Transfer to the State Records Center 2 years after denial date. Transfer to the State Archives 10 years after denial date. Retain permanently.

72-1-6-5 ISSUER REGISTRATIONS

Orders granting issuer registrations list name of issuer, registration number, effective date, maximum sales, and filing fee.

Transfer to the State Records Center annually. Transfer to the State Archives 6 years after last order date. Retain permanently.

72-1-6-6 ISSUER INDEX CARDS

Cards list name and address of issuer, registration number, amount of securities, effective and cancellation dates, and receipt number.

Computerize and dispose of originals.

72-1-7 ISSUER-DEALERS

Any issuer located in the State of Nebraska, or any issuer which registered its securities by qualification who proposes to sell securities in Nebraska without the benefit of another broker-dealer must register as an issuer-dealer.

72-1-7-1 ISSUER-DEALER FILES

Files include new and renewal applications, registration order register, financial statements, references, exam results, correspondence, and agent files. No cancellation orders are issued.

Purge files as information is superseded. Retain in office until inactive. Transfer inactive files to the State Records Center as necessary; dispose of 6 years after last effective date, provided audit has been completed.¹

72-1-7-2 ISSUER-DEALER REGISTRATIONS

Registers contain orders granting issuer-dealer registrations which list name and address of issuer-dealer, registration order number, amount of filing fee, effective date, receipt number, and date of receipt.

Transfer to the State Records Center as necessary. Transfer to the State Archives 10 years after last registration order date. Retain permanently.

72-1-7-3 ISSUER-DEALER INDEX CARDS

Cards contain issuer-dealer's name and address, and effective date.

Computerize and dispose of originals.

72-1-8 SECURITIES BUREAU DATABASE

Data is kept electronically on computer. Various listings and reports are generated.

COMPUTER DATA: Retain permanently.

COMPUTER PRINTOUTS: Dispose of after superseded.

72-1-9 NASAA (NORTH AMERICAN SECURITIES ADMINISTRATORS ASSOCIATION) AND NASD FILES AND SURVEYS

Files include correspondence with these agencies, Q & R reports, NASD press releases, NASD membership reports, NASD Mass Termination reports and NASAA committee reports.

SURVEYS: Dispose of after 20 years.

ALL OTHER INFORMATION: Dispose of 2 years after date of correspondence.

72-1-10 TALLY SHEETS/MONTHLY REPORTS

Tally sheets show securities activity (securities registered, broker-dealers and investment advisers renewed and cancelled, etc.). From these a monthly report is compiled and attached to tally sheets.

Transfer to the State Records Center as necessary. Transfer to the State Archives 10 years after last report date. Retain permanently.

NOTE

1. These records may be disposed of after the required retention period provided the audit of the Comprehensive Annual Financial Report (CAFR) is complete and any required federal audit is complete, and all related audit comments have been resolved. Check with the organization that performed the audit, either the Auditor of Public Accounts or the federal cognizant agency, if there is a question whether resolution is complete.

RECORDS DISPOSITION REPORT

TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8TH STREET SUITE 210 LINCOLN, NE 68508-2294	AGENCY
	DIVISION
	SUB-DIVISION

REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

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DATE	SIGNATURE
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SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.

RMA 03006D

VOLUME ESTIMATING GUIDE

**(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK
ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS
ADEQUATE.)**

Vertical File Cabinet, 4 drawer letter-size	6 cubic feet
Vertical File Cabinet, 4 drawer legal-size	8 cubic feet
Lateral File, 4 drawer/shelf letter-size	9 cubic feet
Lateral File, 4 drawer/shelf legal size	12 cubic feet
Records center carton	1 cubic foot
About a pickup load	50 cubic feet